

AFFIDAVIT

- 1) AFFIANT/AGENT.** I, Kevin Backes, a Border Patrol Agent of the United States Border Patrol, Customs and Border Protection (USBP/CBP), have been employed by USBP/CBP for 22 years and am currently assigned to the Grand Forks Border Patrol Sector Prosecution Unit.

Your affiant has reason to believe that BURGOS-Rivera, Nimer Eleazar (DOB: XX/XX/1992), illegally re-entered the United States after being removed, in violation of 8 U.S.C. § 1326(a).

- 2) INITIAL ENCOUNTER.** On May 20, 2025, at approximately 10:30 AM, North Dakota Highway Patrol Sergeant (SGT) Schaffer called Grand Forks Sector Dispatch and requested assistance. Border Patrol Agent (BPA) Dick responded telephonically and was advised that SGT Schaffer performed a traffic stop on a vehicle and had encountered two male occupants. SGT Schaffer relayed the passenger had provided a Honduran identification card, there was a language barrier, and the subject would not look at him. Record checks based on the information on the Honduran identification card revealed the subject had no immigration status that would allow him to be legally present in the United States. SGT Schaffer also informed BPA Dick that the driver, BURGOS-Rivera, Nimer Eleazar, had presented a Honduran Passport.

At approximately 10:53 AM, BPA Crane was advised of the Trooper's location and responded to the scene. BPA Crane conducted an immigration inspection in the Spanish language with both BURGOS and the passenger. BURGOS and the passenger subsequently admitted to being illegally present in the United States. BURGOS and the passenger were placed under arrest. BPA Crane advised BURGOS of his Miranda Rights in the Spanish language to which he acknowledged that he understood. Both subjects were then transported to the Pembina, North Dakota Border Patrol Station for processing.

- 3) POST-ARREST INVESTIGATION.** Upon arriving at the Pembina Border Patrol Station, BURGOS was enrolled into NGI/IDENT, a computerized fingerprint identification system. The NGI/IDENT results returned showing that the subject had been removed to Honduras.

Burgos is a citizen and national of Honduras.

4) IMMIGRATION HISTORY.

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| 1. Arrest Date: | January 29, 2014 |
| Arresting Agency: | U.S. Border Patrol Rio Grand Valley, Texas Sector |
| Charge: | INA 212(a)(7)(A)(i)(I) – Immigrant Without an Immigrant Visa |
| Disposition: | Expedited Removal. Removed to Honduras on February 5, 2014, at Brownsville, TX. |

5) CRIMINAL HISTORY.

None found.

6) **MIRANDA RIGHTS & CONSULAR NOTIFICATION.** On May 20, 2025, BPA Wright witnessed by BPA Mueller notified BURGOS of his Miranda Rights per Service Form I-214. BURGOS acknowledged his rights by signing the Service Form I-214. BURGOS was not willing to answer questions without the assistance of an attorney.

BURGOS was notified of his right to consular communication. BURGOS requested to speak with a consular official and was able to do so on May 21, 2025, at 11:38 AM.

No record could be found to indicate that BURGOS has ever applied for or been granted permission to reenter the United States by the Attorney General or by the successor, the Secretary of the Department of Homeland Security.

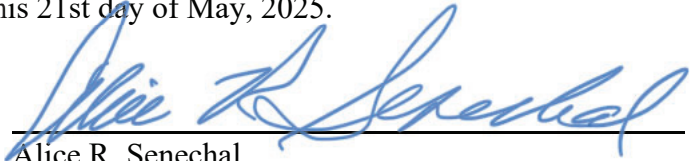
In my training and experience, the above facts constitute a violation of 8 U.S.C. § 1326(a).

The foregoing is true and correct to the best of my knowledge and belief.



Kevin Backes
United States Border Patrol Agent

Sworn to me by reliable electronic means, this 21st day of May, 2025.



Alice R. Senechal
United States Magistrate Judge